

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES A. EVANGELISTA,)	
Plaintiff)	
)	
v.)	No. 05CV10311-MLW
)	
SHANE MARCOTTE, JASON FANION,)	
DANIEL FALLON, III, JONATHAN)	
COTTER, JAMES JOHNSON, CARL)	
SUPERIOR and CITY OF WORCESTER,)	
Defendants)	
)	

JOINT STATUS REPORT

Plaintiff Charles A. Evangelista and Defendants Shane Marcotte, Jason Fanion, Daniel Fallon, III, Jonathan Cotter, James Johnson, Carl Supernor and the City of Worcester hereby submit the following status report in the above-captioned case, pursuant to this Court's February 5, 2006 order.

Since the parties filed the January 31, 2006 Joint Settlement Report, Defendants' counsel left City of Worcester employment and new counsel has assumed Defendants' representation; however, the parties have continued with their plan of conducting a limited amount of discovery. The parties have recently answered each other's written discovery requests and Defendants deposed Plaintiff. The parties are in the

process of producing additional documents and requesting additional information with respect to Plaintiff's lost wages and medical records, including records for a recent hernia surgery that Plaintiff claims is related to his March 2003 injury and surgery. The parties expect that such information will be obtained by early June 2006. On or before June 30, 2006, counsel for the parties will again confer for the specific purpose of determining whether to proceed to mediation of this case, as they believe they will then be in a more favorable position to evaluate this case relative to the possibility of settlement.

The parties acknowledge and agree that, if mediation does not occur or if mediation is unsuccessful, an extension of the discovery deadline will be necessary to provide Plaintiff with an opportunity to depose the individual Defendants.

CHARLES A. EVANGELISTA
By his attorneys,

/s/ William T. Harrington
John T. Landry, III, Esquire
William T. Harrington, Esquire
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SHANE MARCOTTE, JASON FANION,
DANIEL FALLON, III, JONATHAN
COTTER, JAMES JOHNSON, CARL
SUPERNOR, and CITY OF WORCESTER

By their attorneys,
David M. Moore
City Solicitor

/s/ Wendy L. Quinn
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CERTIFICATE OF SERVICE

I, Wendy L. Quinn, hereby certify that I have served upon Plaintiff the within Joint Status Report by electronically sending a copy of the same to William T. Harrington, Esquire (wharrington.glhr@verizon.net), Glynn, Landry, Harrington & Rice, 10 Forbes Road, Suite 270, Braintree, MA 02184-2605 this 27th day of April, 2006.

/s/ Wendy L. Quinn
Wendy L. Quinn
Assistant City Solicitor